

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Prisoners - Grant of Special Remission to convict prisoners of specific categories as part of commemoration of 150th Birth Anniversary of Mahatma Gandhi in three phases - Guidelines - Issued.

HOME (PAROLES) DEPARTMENT

G.O.MS.No. 125

Dated: 27-08-2018 .
Read the following:-

1. D.O letter No.17013/17/2018-PR dated. 27-07-2018 of Hon'ble Home Minister, Government of India along with letter No. 17013/17/2018-PR dated.28-07-2018 of the Home Secretary, Government of India and Letter No.17013/17/2018-PR dated.31-07-2018 of the Joint Secretary, (Women Safety Division), Ministry of Home Affairs.
2. From the Director General of Prisons and CS, Andhra Pradesh, Vijayawada Letter No. RC2/04/2015, dated: 14-08-2018.

@@@

ORDER:

The Government of India has decided to celebrate 150th Birth Anniversary of Mahatma Gandhi from October 2nd 2018 to October, 2nd 2019. As part of the commemoration of the 150th Birth Anniversary of Mahatma Gandhi, the Government of India has decided to grant special remission to specific categories of convicted prisoners who have consistently maintained good conduct during their term in prisons.

2. The prisoners shall be considered for special remission and released in three phases. In Phase-I, the prisoners shall be released on 2nd October, 2018, in Phase-II the prisoners shall be released on 6th April, 2019, and in Phase-III, the prisoners shall be released on 2nd October, 2019. The cut-off date for consideration of the cases of eligible prisoners for Phase-I would be 1st October, 2018, for Phase-II - 5th April, 2019 and for Phase-III, 1st October, 2019.

3. The following categories of prisoners who have consistently maintained overall good conduct, will be eligible for special remission:

- (a) Women convicts of 55 years of age and above, who have completed 50% of their actual sentence period (i.e., without counting the period of general remission earned by them).
- (b) Transgender convicts of 55 years of age and above, who have completed 50% of their actual sentence period (i.e., without counting the period of general remission earned by them).
- (c) Male convicts of 60 years of age and above, who have completed 50% of their actual sentence period (i.e., without counting the period of general remission earned by them).
- (d) Physically challenged/disabled convicts with 70% disability and more (duly certified by a Medical Board) who have completed 50% of their actual sentence period (i.e., without counting the period of general remission earned by them).
- (e) Terminally ill convicts (duly certified by a Medical Board).

(PTO)

- (f) Convicted prisoners who have completed two-third (66%) of their actual sentence period (i.e., without counting the period of general remission earned by them).

4. Special Remission is not to be granted to the following categories of convicts:

- i. Persons convicted for an offence for which the sentence is sentence of death or where death sentence has been commuted to life imprisonment.
- ii. Persons convicted for an offence for which punishment of death has been specified as one of the punishments;
- iii. Persons convicted for an offence for which punishment of life imprisonment has been specified as one of the punishments;
- iv. Cases of convicts involved in terrorist activities or persons convicted under Terrorist and Disruptive Activities (Prevention) Act, 1985 (TADA), The Prevention of Terrorism Act, 2002 (POTA), Unlawful Activities (Prevention) Act, 1967 (UAPA), The Explosive Substances Act, 1908, The National Security Act, 1982 (NSA), Official Secrets Act, 1923, Anti-Hijacking Act, 2016.
- v. Cases of prisoners convicted for Dowry Death.
- vi. Cases of prisoners convicted for counterfeiting currency notes (FICN) - cases under section 489 (A to E) of Indian Penal Code;
- vii. Cases of prisoners convicted for the offence of Rape, human trafficking and the Protection of Children from Sexual Offences Act, 2012 (POCSO), Immoral Traffic (Prevention) Act, 1956;
- viii. Cases of prisoners convicted under Prevention of Money Laundering Act, 2002, Foreign Exchange Management Act, 1999 (FEMA), Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015.
- ix. Cases of prisoners convicted under the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS).
- x. Cases of prisoners convicted under the Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities), Act, 2005.
- xi. Cases of prisoners convicted under the Prevention of Corruption Act, 1988.
- xii. Cases of prisoners convicted for offences against the State (Chapter-VI of IPC) and
- xiii. Prisoners convicted under any other law which the State Government consider appropriate to exclude.

5. The age of Convicts be calculated according to matriculation certificate or birth certificate. In the absence of both it may be calculated according to the judgement of the trial Court and the Superintendent of Jail to ensure the correctness of age

6. A Committee with the following members, under the Chairmanship of the Principal Secretary to Government, Home Department is hereby constituted, to review the lists and recommend to Government for consideration of eligible cases for grant of special remission:-

1.	Principal Secretary to Government, Home Department, Government of Andhra Pradesh, Velagapudi, Amaravathi.	Chairperson
2.	Secretary to Government, Legal Affairs, Law Department, Government of Andhra Pradesh, Velagapudi, Amaravathi.	Member
3.	Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada.	Member Secretary

7. The Committee shall consider and scrutinize all cases keeping in view the prescribed conditions and make its recommendation to the Government as per timelines indicated. The Government will place the recommendation of the Committee before the Governor for consideration and approval in exercise of powers under Article 161 of the Constitution of India. Cases where approval of the Central Government is required as per law may be sent to the Ministry of Home Affairs. The foreign national convicts shall be released with the concurrence of the Ministry of External Affairs.

8. The Director General of Prisons and Correctional Services, Andhra Pradesh, Vijayawada is requested to send the list of prison-wise eligible convicts as per the guidelines in the proforma annexed to this order in six sets.

9. The G.O. is available on internet and can be accessed at the address <http://www.aponline.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.R.ANURADHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Prisons and Correctional Services,
Andhra Pradesh, Vijayawada. (w.e.)
The Secretary to Government, Legal Affairs, Law Department,
Andhra Pradesh, Velagapudi, Amaravathi.
Copy to:
The Director, Information & Public Relations, A.P., Vijayawada.
The Law (E) Department.
PS to Prl. Secretary to Governor / CM / PS to C.S.
PS to Prl. Secretary to Home (Police) Department
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE

(Annexure to G.O.MS.No.125 , Home (Paroles & HRC) Department, Dated:27.08.2018

Sl. No.	Name, CT No. and age of the convict	Residential address	Offence committed, Sentence, case No. & Date, Sentencing Court	Sentence served as on	
				Actual Sentence	Total Sentence
				(YY) (MM) (DD)	(YY) (MM) (DD)